JUK 17 2008

Board of Vocational Nursing and Psychiatric Technicians

EDMUND G. BROWN, JR., Attorney General of the State of California JAMES M. LEDAKIS, State Bar No. 132645 Supervising Deputy Attorney General Attorneys for Complainant

4 **BLANCA LOPEZ**

Senior Legal Analyst California Department of Justice 110 West "A" Street, Suite 1100 San Diego, CA 92101

7 P.O. Box 85266 San Diego, CA 92186-5266 8 Telephone: (619) 645-2610

Facsimile: (619) 645-2061

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BEFORE THE BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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In the Matter of the Accusation Against:

Case No. VN-2005-355

ACCUSATION

JUDITH KAY DORSA 1700 S. Alta Road, Apt. 1035 Las Vegas, Nevada 89106

Vocational Nurse License No. VN 69224

Respondent.

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Complainant alleges:

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PARTIES

- 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.
- On or about November 19, 1975, the Board of Vocational Nursing and Psychiatric Technicians ("Board") issued vocational nurse license number VN 69224 to Judith Kay Dorsa ("Respondent"). The license was in full force and effect at all times relevant to the charges brought herein and expired on July 31, 2005.

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STATUTORY PROVISIONS 3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act. 4. Section 2878 of the Code states, in pertinent part: The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of the following: (a) Unprofessional conduct... (f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction. (i) The commission of any act involving dishonesty, when that action is related to the duties and functions of the license. 5.

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- 5. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed vocational nurse.
 - 6. Section 118(b) of the Code states:

The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. California Code of Regulations, title 16, section 2521, states: 1 2 For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with section 475) of the Business and Professions 3 Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a 4 substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a 5 manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to those involving the following: 6 7 (c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate 8 any provision or term of Chapter 6.5, Division 2 of the Business and 0 Professions Code. 10 Conviction of any crime involving fiscal dishonesty. 11 (e) 12 13 10. California Code of Regulations, title 16, section 2522.5, states: 14 When considering the suspension or revocation of a license (a) on the ground that a licensed vocational nurse has been convicted of a crime. the Board, in evaluating the rehabilitation of such person and his eligibility 15 for a license will consider the following criteria: 16 (1) Nature and severity of the act(s) or offense(s). 17 (2) Total criminal record. 18 (3) The time that has elapsed since commission of the act(s) or 19 offense(s). 20 Whether the licensee has complied with any terms of parole. probation, restitution, or any other sanctions lawfully imposed against the 21 licensee. 22 If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code. 23 Evidence, if any, of rehabilitation submitted by the licensee. (6)24 25 26 111 27 ///

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime Substantially Related) (May 2004 - Used Personal Information of Another, Theft From Elder)

- 9. Respondent is subject to disciplinary action under Code sections 490, 2878(f), and California Code of Regulations, title 16, section 2521(c) and (e) in that on May 11, 2007, in a criminal case entitled *People v. Judith Kay Dorsa*, in the Superior Court of California, County of San Diego, Central Division, Case No. SCD 179594, Respondent was convicted by the Court on her plea of guilty of violating Penal Code sections 530.5(a) (use of personal identifying information of another), a felony, and 368(d) (theft from elder/dependent adult over \$400), a felony. The circumstances are as follows:
- a. Between January 1, 2001 and August 6, 2001, Respondent stole personal property belonging to her former mother-in-law, an elder, such property having a value of over \$400. Also, on or about June 12, 2001, Respondent used the personal information of her former mother-in-law without her consent to obtain a rent lease. Respondent was arrested for these crimes.
- b. As a result of the above conviction, Respondent was sentenced to five (5) years formal probation, ordered to serve 365 days custody time with 83 days credit for time served and 40 days credit per Penal Code section 4019. Respondent was also ordered by the Court to submit to DNA testing, to have no contact with the victim, and ordered to pay \$739 in fines and fees. Respondent was also ordered to pay \$35,000 restitution to the victim.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct) (Theft from Elder)

10. Respondent is subject to disciplinary action under Code section 2878(a) on the grounds of unprofessional conduct in that between January 1, 2001 and August 6, 2001, Respondent used the personal information of another without the person's consent to obtain a rent lease, and stole the personal property of an elder adult, as is more fully described in paragraph 12, and incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Commission of An Act Involving Dishonesty)

11. Respondent is subject to disciplinary action under Code section 2878(j) in that she committed acts of dishonesty. Respondent was convicted of using the personal identifying information of another without the person's consent and of stealing from an elder adult in an amount over \$400, as is more fully described in paragraph 12 above, and incorporated herein by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

- 1. Revoking or suspending vocational nurse license number VN 69224, issued to Judith K. Dorsa;
- 2. Ordering Judith K. Dorsa, to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: June 17, 2008

TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive Officer

Board of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant